

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of ____, which carried __, the following ordinance was adopted:

AN ORDINANCE TO AMEND CHAPTER 15 OF THE YORK
COUNTY CODE IN ORDER TO ELIMINATE THE REQUIREMENT
TO DISPLAY COUNTY VEHICLE DECALS

BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of ____, 2003, that the following amendments to Chapter 15 of the York County Code be, and they are hereby, adopted:

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ARTICLE II. LOCAL VEHICLE ~~LICENSE~~REGISTRATION

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Sec. 15-22. ~~License~~Registration fee levied exceptions.

(a) There is hereby imposed and levied the following annual ~~license~~registration fee pursuant to the provisions of section 46.2-752(A) Code of Virginia, and hereafter referred to as registration fee, upon each and every motor vehicle, trailer and semitrailer normally garaged, stored or parked in the county:

(1) A fee of twenty-three dollars (\$23.00) is imposed on the following:

- a. Each private passenger car or motor home provided that it is not used for the transportation of passengers for compensation and is

not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

- b. A private motor vehicle other than a motorcycle with a normal seating capacity of more than ten (10) adults including the driver if the private motor vehicle is not used for rent or for hire or is not operated under a lease without a chauffeur.
- c. A private school bus.
- d. Each trailer or semitrailer designed for use as living quarters for human beings.
- e. Each motor vehicle, trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
- f. Each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without chauffeur for the transportation of passengers. This subsection does not apply to vehicles used as common carriers.
- g. A taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the State Corporation Commission as required by law. This subsection does not apply to vehicles used as common carriers.
- h. A bus used exclusively for transportation to and from Sunday school or church, for the purpose of divine worship.
- i. Other passenger-carrying vehicles.
- j. All motor vehicles not designed and used for the transportation of passengers, and pickup and panel trucks.

(2) A fee of fifteen dollars (\$15.00) is imposed on the following:

- a. A motorcycle, with or without a side car.
- b. A trailer or semitrailer constituting a part of a combination with a truck or tractor truck (each vehicle of which combination shall be assessed as a separate vehicle).
- c. Any motor vehicle, trailer, semitrailer, or specialized mobile equipment, on which well drilling machinery is attached, as defined in section 46.2-700, Code of Virginia.

- (3) A fee of six dollars and fifty cents (\$6.50) is imposed on the following:

A cradle, flatbed, or open pickup type trailer which has one (1) or two (2) wheels and a body width not greater than the width that of the motor vehicle to which it is attached at any time of operation, is pulled by a passenger car, or a pickup or panel truck having an actual gross vehicle weight not exceeding five thousand (5,000) pounds, and is used for carrying property weighing no more than one thousand five hundred (1,500) pounds at any one time, and for all trailers designed exclusively to transport boats. Nothing in this subsection shall apply to the fees for trailers or semitrailers designed for use as living quarters for human beings, or to those trailers or semitrailers operated under lease or rental agreement, or operated for compensation.

- (4) A fee of five dollars (\$5.00) is imposed on the following:

Any antique motor vehicle licensed pursuant to the provisions of section 46.2-730, Code of Virginia.

The registered owner of any such motor vehicle, trailer or semitrailer shall be liable for the [license registration](#) fee herein levied.

In no event shall the county's fee exceed that of the state for a similar motor vehicle, trailer or semitrailer.

The [license registration](#) fees specified in this section shall be reduced by one-half (1/2) for passenger vehicles and pickup or panel trucks upon production of proof that any such vehicle is licensed by the division of motor vehicles in the name of a member of the Virginia National Guard, pursuant to section 46.2-744, Code of Virginia.

- (b) Nothing contained in this section shall be construed as imposing a county [license registration](#) fee upon any of the following, as to all of which vehicles the owners are hereby exempted from payment of the [license registration](#) fees provided in this section:

- (1) All motor vehicles, trailers and semitrailers exempted therefrom by general law of the state or owned by the county or any governmental agency and operated solely in governmental business;
- (2) One (1) motor vehicle owned and used personally by any member of the (i) county volunteer fire and rescue squad; or (ii) a volunteer deputy sheriff in the Sheriff's Department.
- (3) One (1) motor vehicle owned and used personally by any disabled veteran, as defined in section 46.2-739, Code of Virginia;

- (4) One (1) passenger vehicle, pickup or panel truck, as defined in section 46.2-100, Code of Virginia, owned by any person who furnishes written evidence from one of the armed forces that such person was a prisoner of the enemy in any war and, if not currently a member of the armed forces, was honorably discharged;
- (5) All motor vehicles, trailers and semitrailers exempted by section 46.2-755, Code of Virginia;
- (6) All motor vehicles, trailers and semitrailers owned and registered solely in the name of members of the armed forces of the United States not domiciliary residents of Virginia, who are absent from the state or other jurisdiction of which they are domiciliary residents in compliance with orders of any of the uniformed services of the United States, but only if the license, fee or excise required by the state or jurisdiction of their domiciliary residence has been paid as to any such vehicle registered in Virginia; ~~provided, however, that the treasurer of the county shall issue a numbered decal upon proper written application of any such member of the armed forces, under oath, if so required by the treasurer, setting forth the address of the local military unit, the local residential address and the domiciliary address of the applicant and the state of registration of the vehicle or vehicles. Upon the obtaining of a decal pursuant to this paragraph, all of the provisions of this article shall apply mutatis mutandis.~~
- (7) All motor vehicles, trailers and semitrailers owned by and registered in the name of persons who reside on a government reservation within the exclusive jurisdiction of the United States; ~~provided, however, that the treasurer of the county shall issue a numbered decal upon proper written application of such person in the same manner as provided in subsection (6) above.~~
- (c) In any case wherein this schedule of licenseregistration fees the licenseregistration is being purchased ~~on or after October 1, and beginning in 1995,~~ after September 15 of any year, and the owner was not required by this section to have paid a licenseregistration fee before such date of purchase, the fee shall be reduced by one-half (1/2).

Sec. 15-23. ~~Application for license and payment~~Payment of registration fee.

- (a) The registered owner of each motor vehicle, trailer and semitrailer normally garaged, stored or parked, or to be normally garaged, stored or parked in the county, shall, on or before the ~~first day of March and, beginning in 1995, on or before the~~ fifteenth day of February of each calendar year, ~~make application to the treasurer, upon forms furnished by the treasurer, for a license and a license~~

~~decal therefore to operate such motor vehicle, trailer or semitrailer upon the public highways of the county. The treasurer shall assess~~ pay to the treasurer the proper license registration fee, as prescribed in this article, and such fees, together with any penalties imposed, ~~shall be paid to the treasurer.~~

- (b) The registered owner of any passenger car, pickup or panel truck, or motorcycle, other than those provided for in section 46.2-652, Code of Virginia, which has been duly registered for the current calendar year in another state or country and which has displayed upon it the license plate or plates issued for such vehicle in such other state or country, who moves into the county shall within thirty (30) days of so ~~doing make application and~~ pay the license registration fee in accordance with this section.
- (c) The registered owner of any motor vehicle, trailer and semi-trailer, for which a local vehicle license license or registration fee has been paid to another jurisdiction in Virginia, who moves into the county and normally garages, stores or parks such motor vehicle, trailer or semi-trailer in the county shall, within thirty (30) days of moving into the county, ~~make application to the treasurer, upon forms provide by him, for a license and a license decal to operate such motor vehicle, trailer or semitrailer upon the public highways of the county~~ register their vehicle in accordance with this section. No license registration fee shall be assessed ~~for such license or decal; such license shall be~~ for the remainder of the current license registration term as specified in section 15-~~32~~27 of this article.
- (d) Every purchaser of a new or used motor vehicle, trailer or semitrailer which normally will be garaged, stored or parked in the county shall have thirty (30) days from the date of purchase to ~~procure a county motor vehicle decal~~ pay the local vehicle registration fee in accordance with this section.

~~Sec. 15-24. Payment of personal property taxes prerequisite to licensing~~

~~No motor vehicle, trailer or semitrailer shall be locally licensed by the county unless the applicant for such license produces satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed, and satisfactory evidence that any delinquent motor vehicle, trailer or semitrailer personal property taxes owing, which have been properly assessed or are assessable against the applicant by the county, have been paid. In addition, no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed on any tangible personal property titled by the Department of Motor Vehicles owned by the taxpayer have been paid.~~

~~Sec. 15-25~~4. Issuance of license registration and decal.

Upon ~~the filing of an application and~~ payment of the fee, as provided for in section 15-23, ~~and production of evidence referred to in section 15-24,~~ the treasurer shall issue a

~~license and a numbered decal~~receipt for the motor vehicle, trailer or semitrailer covered by the application. The issuance of such ~~licenses and decals~~receipts shall begin on the ~~fifteenth~~first day of January of each year.

~~Sec. 15-26. Display of decal~~ Generally.

~~Each decal issued under this article shall be affixed to the windshield one inch (1") to the right of the state inspection sticker of the vehicle for which issued, except that, in the case of motorcycles, motorbikes, minibikes and trailers, the decal shall be affixed adjacent to the state inspection sticker and, in the case of trailers, it shall be affixed in some conspicuous location.~~

~~Sec. 15-27. Display of expired decal; late penalty.~~

- ~~(a) It shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to display upon such motor vehicle, trailer or semitrailer any license decal of the county after the expiration date of such decal.~~
- ~~(b) It shall be unlawful for any person to drive or park any motor vehicle, trailer or semitrailer on any highway in the county, unless a current decal is displayed thereon in accord with the requirements of this article.~~
- ~~(c) Any violation of this section shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00). A violation of this section may not be discharged by payment of such fine except upon presentation of satisfactory evidence that the required license decal has been obtained.~~
- ~~(d) If any person shall fail or refuse to obtain a license decal required by this article within the time specified, there shall be added by the treasurer to the license fee owed, a penalty of ten dollars (\$10.00) for each such failure or refusal to obtain a decal.~~

~~Sec. 15-28~~5. Replacement of lost or destroyed decal. Vehicles registered in other localities.

- ~~(a) It shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to display upon such motor vehicle, trailer or semitrailer any license decal of the county after the expiration date of such decal.~~
- ~~(b) It shall be unlawful for any person to drive or park any motor vehicle, trailer or semitrailer on any highway in the county unless a current decal is displayed thereon in accord with the requirements of this article.~~

- ~~(c) — It shall be unlawful for any owner or operator of a motor vehicle, trailer or semitrailer who is required by law by another locality to obtain and display on the owner's or operator's motor vehicle, trailer or semitrailer a valid decal issued by such locality to drive or park such motor vehicle, trailer or semitrailer on any highway in the county unless a current decal from such other locality is displayed thereon. This subsection shall only be applicable if such other locality is a party to a compact with the county pursuant to § 46.2-752.K., Code of Virginia, for the regional enforcement of licensing requirements.~~
- ~~(d) — Any violation of this section shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00). A violation of this section may not be discharged by payment of such fine except upon presentation of satisfactory evidence that the required license decal has been obtained.~~
- ~~(e) — If any person shall fail or refuse to obtain a county license decal required by this article within the time specified, there shall be added by the treasurer to the license fee owed a penalty of ten dollars (\$10.00) for each such failure or refusal to obtain a decal.~~

~~Sec. 15-29. Transfer of decal.~~

~~When a license decal issued under this article has been removed from the vehicle for which it was issued and has been destroyed and the replacement thereof is desired for another vehicle of the same class, an affidavit shall be filed with the treasurer, stating that the original decal has been destroyed and that another decal for the current license year is desired for another vehicle of the same class. Upon the filing of such affidavit, the treasurer shall issue a replacement decal to replace the original license decal destroyed as indicated in the affidavit.~~

~~Sec. 15-30. Presumption based on absence of decal.~~

~~The presence of any motor vehicle, trailer or semitrailer on any public highway, street, road, alley or lane or in any public place in the county, bearing Virginia license plates but no valid decal or license plate issued by any county, city or town in Virginia, shall constitute prima facie evidence that such motor vehicle, trailer or semitrailer was unlawfully operated without a required county decal, by the registered owner thereof.~~

~~Sec. 15-31~~26. Imposition of license ~~tax~~fee for motor vehicles not displaying current state license plates.

There is hereby imposed an annual license ~~tax~~fee of one hundred dollars (\$100.00) per motor vehicle on the owners of motor vehicles in the county which do not display cur-

rent state license plates-and which are not exempted as provided in section 15-~~35~~30 of this article.

Sec. 15-~~32~~27. Terms for which license fee applicable.

The annual license ~~tax~~ fee imposed by section 15-~~31~~26 shall be payable in advance ~~for the year beginning on March 1 of each year and ending on the last day of February of the succeeding year, and, beginning in 1995 and for each year thereafter, for the year beginning~~ on February 15 of each year and ending on the fourteenth of February of the succeeding year; provided, further, that such ~~tax~~ fee shall be due, except as hereinabove specified, on the first day that the owner is subject to the ~~tax~~ fee in accordance with the provisions of section 15-~~31~~26.

Sec. 15-~~33~~28. Proration of license fee.

In any case wherein the license required by section 15-~~31~~26, is being purchased on or after ~~November first, and beginning in 1995, after~~ August 15 of any year, and the owner was not required to have paid a license fee before such date of purchase, the amount thereof shall be fifty dollars (\$50.00) instead of one hundred dollars (\$100.00).

Sec. 15-~~34~~29. Payment of license ~~tax~~ fee and evidence thereof.

The license ~~tax~~ fee imposed by section 15-~~31~~26 of this article shall be paid to the county treasurer, who shall issue a receipt on a form supplied by the county administrator.

~~Sec. 15-35.~~ 15-30. Exemptions.

The following motor vehicles shall be exempt from the license ~~tax~~ fee imposed by section 15-~~30~~26 of this article:

- (a) Any motor vehicle which is in a public dump, in an "automobile graveyard" as defined in section 33.1-348, Code of Virginia, or in the possession of a licensed junk dealer or a licensed motor vehicle dealer.
- (b) Any vehicle being held or stored by or at the direction of any governmental authority, any vehicle owned by a member of the armed forces on active duty, or any vehicle regularly stored within a structure.
- (c) Any motor vehicle as to which a temporary permit has been issued by the division of motor vehicles, pursuant to the provisions of section 46.2-650, Code of Virginia.

- (d) Any motor vehicle as to which the division of motor vehicles has issued a temporary one-trip permit, pursuant to the provisions of section 46.2-651, Code of Virginia.
- (e) Any tractor truck or truck operating pursuant to a special temporary registration or permit issued by the division of motor vehicles for the transportation of heavy construction equipment, cranes, well-digging apparatus and other heavy equipment upon the highways of this state from one point to another within this state or from this state to a point or points without this state, or from without this state to a point or points within this state, pursuant to the provisions of section 46.2-652, Code of Virginia.
- (f) Any motor vehicle operating under a special temporary registration or permit issued by the division of motor vehicles for the transportation of mobile homes or house trailer from one point to another within this state, or from this state to a point or points without this state, or from without this state to a point or point within this state, pursuant to the provisions of section 46.2-653, Code of Virginia.
- (g) Any backhoe, any truck bearing a machine for spraying fruit trees and plants or the owner or lessee of the truck, any motor vehicle used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner thereof, any farm machinery and tractors, any motor vehicle validly registered in another state and bearing valid license plates issued by such state, for the use of which the owner or lessee of the farm has contracted as an incidental part of the harvesting of a crop from such farm, while such vehicle is engaged in moving farm produce from such farm as an incidental part of such harvesting operations, any farm or other tractor or similar vehicle owned by a sawmill operator, any motor vehicle used at mines, any motor vehicle used by a commercial fisherman, his agent or employee for the purposes of transporting his boat or boats or other equipment in his trade, and any other vehicle exempted from the requirement to obtain license plates and decals, pursuant to the provisions of sections 46.2-663 through 46.2-665, 46.2-667 through 46.2-669, 46.2-671 and 46.2-674, Code of Virginia.
- (h) Any motor vehicle engaged in coal mining operations or other types of mining and quarrying operations, where the sole function of said motor vehicle is to haul coal from mine to tippie or to haul other mined or quarried products from mine or quarry to the processing plant, pursuant to the provisions of section 46.2-675, Code of Virginia.
- (i) Any vehicle designed to transport persons playing golf and their equipment from one hole on a golf course to another, and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway from one hole of a public or private golf course to another hole thereof and any self-propelled vehicle, designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or

more skis, belts, or cleats, pursuant to the provisions of section 46.2-676 and 46.2-679, Code of Virginia.

- (j) Any motor vehicle properly registered in Maryland and used for the purpose of hauling oyster shells for a distance of less than three (3) miles on a public highway of this state to navigable waters to be further transported by water to Maryland, pursuant to the provisions of section 46.2-680, Code of Virginia.
- (k) Any firefighting truck, upon which there is permanently attached firefighting apparatus when such vehicle is owned or under exclusive control of a volunteer fire department, and ambulances or other vehicles owned or used exclusively by such volunteer fire department of volunteer lifesaving or first aid crew or rescue squad, provided that any such vehicle is used exclusively as an ambulance or lifesaving and first aid vehicle and is not rented, leased or loaned to any private individual, firm or corporation, and no charges are made by such organization for the use of such vehicles, pursuant to the provisions of section 46.2-681, Code of Virginia.
- (l) Farm tractors, road rollers and road machinery used for highway purposes, pursuant to the provisions of section 46.2-682, Code of Virginia.
- (m) Any machine known as a traction engine or any locomotive engine or electric car running on rails, pursuant to the provisions of section 46.2-683, Code of Virginia.
- (n) Any motor vehicle as to which a written permit has been obtained from the local police authorities having jurisdiction over highways in the county for the purpose of operating it or moving it or causing it to be moved or operated upon the highways of the county from the factory where manufactured or assembled to a railway depot, vessel or place of shipment or delivery, pursuant to the provisions of section 46.1-119, Code of Virginia.
- (o) Any motor vehicle as to which a written permit has been obtained from the local police authorities having jurisdiction over highways in the county for the purpose of operating it or moving it or causing it to be moved or operated upon the highways of the county from a vessel, railway depot, warehouse or any place of shipment or from a factory where manufactured or assembled to a sales room, warehouse or place of shipment or transshipment, pursuant to the provision of section 46.1-120, Code of Virginia.
- (p) Any motor vehicle located more than one thousand feet (1,000') from the nearest edge of the hard surface of any interstate or primary highway or more than five hundred feet (500') from the nearest edge of the hard surface of any other highway.

- (q) Any motor vehicle which is screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of any highway or adjacent properties.
- (r) Vehicles which are stored on private property for a period not in excess of sixty (60) days, for the purpose of removing parts for the repair of another vehicle.

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Secs. 15-~~38~~30—15-40. Reserved.

BE IT FURTHER ORDAINED that this ordinance shall become effective on January 1, 2004.